

**REMARKS**

Claims 1-5 and 11-15 are pending in this application. Claims 3, 4, 6-10 and 16 have been withdrawn by the Examiner as a result of a restriction requirement. By this Amendment, claims 1-4 and 15 are amended, and claims 6-10 and 16 are canceled.

The July 3, 2003 CPA requested that prosecution be suspended for up to three months. Upon entry of this Amendment, Applicants request that examination be resumed.

The January 3, 2003 Office Action makes final the Restriction Requirement and withdraws claims 3, 4, 6-10 and 16 from consideration. Applicants submit that dependent claims 3 and 4 should be rejoined upon allowance of claim 1 (see MPEP §821.04) and expressly reserve the right to file a Divisional Application to further pursue the subject matter recited in claims 6-10 and 16.

The Office Action objects to the drawings. Replacement sheets of the drawings are submitted herein. Withdrawal of the objection to the drawings is respectfully requested.

The Office Action rejects claims 1, 2 and 11 under 35 U.S.C. §102(b) over U.S. Patent 5,043,816 to Nakano et al. This rejection is respectfully traversed.

The Office Action asserts that Nakano discloses all elements recited in claims 1, 2 and 11. Applicants respectfully submit that Nakano does not disclose or suggest compressing the image data stored in a temporary memory means and generating encoded image data; ... and evaluating a good or a bad shooting state of the image data...based on a data amount of the encoded image data, as recited in claim 1.

Nakano discloses an electronic camera having a judging circuit 20 to detect a degree of movement. See Fig. 10 and col. 13, line 59 through col. 14, line 20. The degree of movement is detected by the blurring in the image. See col. 14, lines 24-29. Nowhere does Nakano disclose or suggest compressing and encoding image data and evaluating image data based on a data amount of the encoded image data. Therefore, Nakano does not disclose or suggest compressing the image data stored in a temporary memory means and generating

encoded image data; ... and evaluating a good or a bad shooting state of the image data...based on a data amount of the encoded image data, as recited in claim 1.

For at least the above reasons, Nakano does not disclose or suggest the subject matter recited in claim 1, and claims 2 and 11 depending therefrom. Withdrawal of the rejection of claims 1, 2 and 11 under 35 U.S.C. §102(b) is respectfully requested.

The Office Action rejects claim 15 under 35 U.S.C. §102(e) over U.S. Patent 5,920,349 to Okino et al. This rejection is respectfully traversed.

The Office Action asserts that Okino discloses all elements recited in claim 15. However, Applicants respectfully submit that Okino does not disclose or suggest evaluating a good or bad shooting state of continuously imaged image data...based on an encoded data amount of the continuously imaged image data, as recited in claim 15.

Okino discloses an electronic camera having an automatic focusing function. See col. 1, lines 59-63. The information of an image is divided into blocks in a focusing operation to effect plural focus state determinations. See col. 3, lines 42-53 and col. 14, lines 43-57. The blocks are subjected to frequency analysis only in the focusing operation before a shot is taken and a block is selected for compression in an image taking operation. See col. 3, lines 50-53. Thus, Okino discloses analyzing information blocks before taking a shot for the purpose of auto-focusing, but does not disclose or suggest evaluating image data that has been continuously imaged. Thus, Okino does not disclose or suggest evaluating a good or bad shooting state of continuously imaged image data...based on an encoded data amount of the continuously imaged image data, as recited in claim 15.

Okino discloses analyzing high frequency components of the blocks of the divided image information. See col. 4, lines 31-54. As is known, such an analysis of high frequency components is to determine whether the image is flattened and whether the spatial frequency components of the high area is lost. Such an analysis does not disclose or suggest evaluating image data based on an encoded data amount of the image data. Thus, Okino does not

disclose or suggest evaluating a good or bad shooting state of continuously imaged image data...based on an encoded data amount of the continuously imaged image data, as recited in claim 15.

For at least the above reasons, Okino does not disclose or suggest the subject matter recited in claim 15. Withdrawal of the rejection of claim 15 under 35 U.S.C. §102(e) is respectfully requested.

The Office Action rejects claims 5 and 12 under 35 U.S.C. §103(a) over Nakano in view of Okino. This rejection is respectfully traversed.

As discussed above, Okino does not disclose or suggest evaluating based on an encoded data amount of imaged data. Therefore, Okino does not supply the subject matter lacking in Nakano. Accordingly, the combination of Nakano and Okino does not disclose or suggest the subject matter recited in claim 1, and claims 5 and 12 depending therefrom. Withdrawal of the rejection of claims 5 and 12 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claim 13 under 35 U.S.C. §103(a) over Nakano in view of Okino and further in view of U.S. Patent 5,479,211 to Fukuda. This rejection is respectfully traversed.

Fukuda discloses a judging circuit 18 for judging maximum frequency component based on compressed moving picture data. See Figs. 1 and 2, col. 5, lines 48-61 and col. 6, lines 46-67. As discussed above, an analysis of frequency components does not disclose or suggest evaluating image data based on an encoded data amount of the image data. Nowhere does Fukuda disclose or suggest evaluating a good or bad shooting state of the image data...based on a data amount of the encoded image data, as recited in claim 1. Therefore, Fukuda does not supply the subject matter lacking in Nakano and Okino. Accordingly, Nakano, Okino and Fukuda do not disclose or suggest the subject matter recited in claim 1,

and claim 13 depending therefrom. Withdrawal of the rejection of claim 13 under 35 U.S.C. §103(a) is respectfully requested.

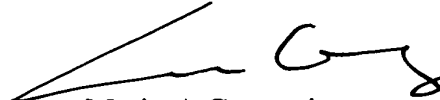
The Office Action rejects claim 14 under 35 U.S.C. §103(a) over Nakano and Okino in view of Fukuda and further in view of U.S. Patent No. 5,359,382 to Uenaka. This rejection is respectfully traversed.

Uenaka discloses an automatic focusing device in which a release time lag is calculated. See col. 8, lines 10-45. Nowhere does Uenaka disclose or suggest evaluating a good or bad shooting state of the image data...based on a data amount of the encoded image data. Therefore, Uenaka does not supply the subject matter lacking in Nakano, Okino and Fukuda. Accordingly, Nakano, Okino, Fukuda and Uenaka do not disclose or suggest the subject matter recited in claim 1, and claim 14 depending therefrom. Withdrawal of the rejection of claim 14 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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MAC:GXL/sqb

Attachment:  
Replacement Sheets

Date: **July 30, 2003**

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